

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|               |                                                                                  |                 |                |
|---------------|----------------------------------------------------------------------------------|-----------------|----------------|
| Applicant(s): | Daniel James Winarski, Robert George Emberty, Craig Anthony Klein, Nils Haustein |                 |                |
| Assignee:     | International Business Machines Corporation                                      |                 |                |
| Title:        | Write-Once Read-Many Hard Disk Drive Using a Worm Pointer                        |                 |                |
| Serial No.:   | 10/824,901                                                                       | Filing Date:    | April 14, 2004 |
| Examiner:     | Yong J. Choe                                                                     | Group Art Unit: | 2185           |
| Docket No.:   | TUC920040009US1                                                                  | Customer No.:   | 65384          |

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July 14, 2009

*Filed Electronically*

**PETITION FOR EXTENSION OF TIME**

Dear Sir:

Applicants respectfully petition for a one (1) month extension of time within which to respond to the Office Action mailed May 22, 2009, such extension allowing the undersigned until July 22, 2009 to respond.

Applicants never received the Notice of Non-Compliant Appeal Brief mailed May 2, 2009, and there was no indication in PAIR that the Notice was emailed. In fact, the only reason the Notice was detected was the result of a routine status check performed by Applicants' attorneys' staff. Previous correspondence from the USPTO in the above application was received by email; however, the Non-Complaint Notice was not.

Since the Non-Compliant Notice was never received, it is believed that no extension fee is due; however, the Commissioner is authorized to deduct any fees which may be required or credit any overpayment to Deposit Account No. 090447.

CERTIFICATE OF TRANSMISSION

I hereby certify that on July 14, 2009, this correspondence is being transmitted via the U.S. Patent & Trademark Office's electronic filing system.

*/Stephen A. Terrile/*

Respectfully submitted,

*/Stephen A. Terrile/*

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